

COMMITTEE ON EDUCATION
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2792
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 <<Section. 1. Section 15-841, Arizona Revised Statutes, is amended
3 to read:

4 15-841. Responsibilities of pupils; expulsion; alternative
5 education programs; alternative to suspension
6 programs; placement review committee

7 A. Pupils shall comply with the rules, pursue the required course
8 of study and submit to the authority of the teachers, the administrators
9 and the governing board. A teacher may send a pupil to the principal's
10 office in order to maintain effective discipline in the classroom. If a
11 pupil is sent to the principal's office pursuant to this subsection, the
12 principal shall employ appropriate discipline management techniques that
13 are consistent with rules adopted by the school district governing board.
14 A teacher may remove a pupil from the classroom if either of the following
15 conditions exists:

16 1. The teacher has documented that the pupil has repeatedly
17 interfered with the teacher's ability to communicate effectively with the
18 other pupils in the classroom or with the ability of the other pupils to
19 learn.

20 2. The teacher has determined that the pupil's behavior is so
21 unruly, disruptive or abusive that it seriously interferes with the
22 teacher's ability to communicate effectively with the other pupils in the
23 classroom or with the ability of the other pupils to learn.

24 B. A pupil may be expelled for continued open defiance of
25 authority, continued disruptive or disorderly behavior, violent behavior
26 that includes use or display of a dangerous instrument or a deadly weapon
27 as defined in section 13-105, use or possession of a gun, or excessive
28 absenteeism. A pupil may be expelled for excessive absenteeism only if

1 the pupil has reached the age or completed the grade after which school
2 attendance is not required as prescribed in section 15-802. A school
3 district may expel pupils for actions other than those listed in this
4 subsection as the school district deems appropriate. Any expulsions of
5 pupils in a kindergarten program and grades one through four must comply
6 with section 15-843, subsection K.

7 C. A school district may refuse to admit any pupil who has been
8 expelled from another educational institution or who is in the process of
9 being expelled from another educational institution.

10 D. A school district, annually or on the request of any pupil or
11 the parent or guardian, may review the reasons for the pupil's expulsion
12 and consider readmission.

13 E. As an alternative to suspension or expulsion, the school
14 district may reassign any pupil to an alternative education program if the
15 pupil does not meet the requirements for participation in the alternative
16 to suspension program prescribed in subsection I of this section and if
17 good cause exists for expulsion or for a long-term suspension.

18 F. A school district may reassign a pupil to an alternative
19 education program if the pupil refuses to comply with rules, refuses to
20 pursue the required course of study or refuses to submit to the authority
21 of teachers, administrators or the governing board.

22 G. A school district or charter school shall expel from school for
23 a period of not less than one year a pupil who is determined to have
24 brought a firearm [OR A DEADLY WEAPON] to a school within the jurisdiction
25 of the school district or the charter school, except that the school
26 district or charter school may modify this expulsion requirement for a
27 pupil on a case-by-case basis. This subsection shall be construed
28 consistently with the requirements of the individuals with disabilities
29 education act (20 United States Code sections 1400 through 1420). For the
30 purposes of this subsection:

31 [1. "DEADLY WEAPON" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-
32 105.]

33 [1.] [2.] "Expel" may include removing a pupil from a regular
34 school setting and providing educational services in an alternative
35 setting.

36 [2.] [3.] "Firearm" means a firearm as defined in 18 United States
37 Code section 921.

38 H. A school district or charter school shall expel from school for
39 at least one year a pupil who is determined to have threatened an
40 educational institution, except that the school district or charter school
41 may modify this expulsion requirement for a pupil on a case-by-case basis
42 if the pupil participates in mediation, community service, restitution or
43 other programs in which the pupil takes responsibility for the results of
44 the threat. This subsection shall be construed consistently with the
45 requirements of the individuals with disabilities education act (20 United
46 States Code sections 1400 through 1420). A school district may reassign a
47 pupil who is subject to expulsion pursuant to this subsection to an

1 alternative education program pursuant to subsection E of this section if
2 the pupil participates in mediation, community service, restitution or
3 other programs in which the pupil takes responsibility for the threat. A
4 school district or charter school may require the pupil's parent or
5 guardian to participate in mediation, community service, restitution or
6 other programs in which the parent or guardian takes responsibility with
7 the pupil for the threat. For the purposes of this subsection, "threatened
8 an educational institution" means to interfere with or disrupt an
9 educational institution as defined in section 13-2911 by doing any of the
10 following:

11 1. For the purpose of causing, or in reckless disregard of causing,
12 interference with or disruption of an educational institution, threatening
13 to cause physical injury to any employee of an educational institution or
14 any person attending an educational institution.

15 2. For the purpose of causing, or in reckless disregard of causing,
16 interference with or disruption of an educational institution, threatening
17 to cause damage to any educational institution, the property of any
18 educational institution, the property of any employee of an educational
19 institution or the property of any person attending an educational
20 institution.

21 3. Going on or remaining on the property of any educational
22 institution for the purpose of interfering with or disrupting the lawful
23 use of the property or in any manner as to deny or interfere with the
24 lawful use of the property by others.

25 4. Refusing to obey a lawful order to leave the property of an
26 educational institution.

27 I. Each school district shall establish an alternative to
28 suspension program in consultation with local law enforcement officials or
29 school resource officers. The school district governing board shall adopt
30 policies to determine the requirements for participation in the
31 alternative to suspension program. Pupils who would otherwise be subject
32 to suspension pursuant to this article and who meet the school district's
33 requirements for participation in the alternative to suspension program
34 shall be transferred to a location on school premises that is isolated
35 from other pupils or transferred to a location that is not on school
36 premises. The alternative to suspension program shall be discipline
37 intensive and require academic work, and may require community service,
38 groundskeeping and litter control, parent supervision, and evaluation or
39 other appropriate activities. The community service, groundskeeping and
40 litter control, and other appropriate activities may be performed on
41 school grounds or at any other designated area.

42 J. Each school shall establish a placement review committee to
43 determine the placement of a pupil if a teacher refuses to readmit the
44 pupil to the teacher's class and to make recommendations to the governing
45 board regarding the readmission of expelled pupils. The process for
46 determining the placement of a pupil in a new class or replacement in the
47 existing class shall not exceed three business days after the date the

1 pupil was first removed from the existing class. The principal shall not
2 return a pupil to the classroom from which the pupil was removed without
3 the teacher's consent unless the committee determines that the return of
4 the pupil to that classroom is the best or only practicable alternative.
5 The committee shall be composed of two teachers who are employed at the
6 school and who are selected by the faculty members of the school and one
7 administrator who is employed by the school and who is selected by the
8 principal. The faculty members of the school shall select a third teacher
9 to serve as an alternate member of the committee. If the teacher who
10 refuses to readmit the pupil is a member of the committee, that teacher
11 shall be excused from participating in the determination of the pupil's
12 readmission and the alternate teacher member shall replace that teacher on
13 the committee until the conclusion of all matters relating to that pupil's
14 readmission. >>

15 Sec. 2. Section 15-843, Arizona Revised Statutes, is amended to
16 read:

17 15-843. Pupil disciplinary proceedings; definition

18 A. An action concerning discipline, suspension or expulsion of a
19 pupil is not subject to title 38, chapter 3, article 3.1, except that the
20 governing board of a school district shall post regular notice and shall
21 take minutes of any hearing held by the governing board concerning the
22 discipline, suspension or expulsion of a pupil.

23 B. The governing board of any school district, in consultation with
24 the teachers and parents of the school district, shall prescribe rules for
25 the discipline, suspension and expulsion of pupils. The rules shall be
26 consistent with the constitutional rights of pupils and shall include at
27 least the following:

28 1. Penalties for excessive pupil absenteeism pursuant to section
29 15-803, including failure in a subject, failure to pass a grade,
30 suspension or expulsion.

31 2. Procedures for using corporal punishment if allowed by the
32 governing board.

33 3. Procedures for the reasonable use of physical force by
34 certificated or classified personnel in self-defense, defense of others
35 and defense of property.

36 4. Procedures for dealing with pupils who have committed or who are
37 believed to have committed a crime.

38 5. A notice and hearing procedure for cases concerning the
39 suspension of a pupil for more than ten days.

40 6. Procedures and conditions for readmitting a pupil who has been
41 expelled or suspended for more than ten days.

42 7. Procedures to appeal to the governing board the suspension of a
43 pupil for more than ten days, if the decision to suspend the pupil was not
44 made by the governing board.

45 8. Procedures to appeal the recommendation of the hearing officer
46 or officers designated by the board as provided in subsection F of this
47 section at the time the board considers the recommendation.

1 9. Disciplinary policies for confining pupils who are left alone in
2 an enclosed space. These policies shall include the following:

3 (a) A process for prior written parental notification that
4 confinement may be used for disciplinary purposes and that is included in
5 the pupil's enrollment packet or admission form.

6 (b) A process for prior written parental consent before confinement
7 is allowed for any pupil in the school district. The policies shall
8 provide for an exemption to prior written parental consent if a school
9 principal or teacher determines that the pupil poses imminent physical
10 harm to self or others. The school principal or teacher shall make
11 reasonable attempts to notify the pupil's parent or guardian in writing by
12 the end of the same day that confinement was used.

13 10. Procedures that require the school district to annually report
14 to the department of education in a manner prescribed by the department
15 the number of suspensions and expulsions that involve the possession, use
16 or sale of an illegal substance under title 13, chapter 34 and the type of
17 illegal substance involved in each suspension or expulsion. The
18 department of education shall compile this information and annually post
19 the information on its website. The information shall comply with the
20 family educational rights and privacy act of 1974 (P.L. 93-380; 88 Stat.
21 571; 20 United States Code section 1232g), shall not include personally
22 identifiable information and shall show the number of suspensions and
23 expulsions associated with each illegal substance aggregated statewide and
24 by county.

25 C. Penalties adopted pursuant to subsection B, paragraph 1 of this
26 section for excessive absenteeism shall not be applied to pupils who have
27 completed the course requirements and whose absence from school is due
28 solely to illness, disease or accident as certified by a person who is
29 licensed pursuant to title 32, chapter 7, 13, 14, 15 or 17.

30 D. The governing board shall:

31 1. Support and assist teachers in implementing and enforcing the
32 rules prescribed pursuant to subsection B of this section.

33 2. Develop procedures allowing teachers and principals to recommend
34 the suspension or expulsion of pupils.

35 3. Develop procedures allowing teachers and principals to
36 temporarily remove disruptive pupils from a class.

37 4. Delegate to the principal the authority to remove a disruptive
38 pupil from the classroom.

39 E. If a pupil withdraws from school after receiving notice of
40 possible action concerning discipline, expulsion or suspension, the
41 governing board may continue with the action after the withdrawal and
42 ~~may~~ [SHALL] record the results of such action in the pupil's permanent
43 file.

44 F. In all actions concerning the expulsion of a pupil, the
45 governing board of a school district shall:

46 1. Be notified of the intended action.

47 2. Either:

1 (a) Decide, in executive session, whether to hold a hearing or to
2 designate one or more hearing officers to hold a hearing to hear the
3 evidence, prepare a record and bring a recommendation to the board for
4 action and whether the hearing shall be held in executive session.

5 (b) Provide by policy or vote at its annual organizational meeting
6 that all hearings concerning the expulsion of a pupil conducted pursuant
7 to this section will be conducted before a hearing officer selected from a
8 list of hearing officers approved by the governing board.

9 3. Give written notice, at least five working days before the
10 hearing by the governing board or the hearing officer or officers
11 designated by the governing board, to all pupils subject to expulsion and
12 their parents or guardians of the date, time and place of the hearing. If
13 the governing board decides that the hearing is to be held in executive
14 session, the written notice shall include a statement of the right of the
15 parents or guardians or an emancipated pupil who is subject to expulsion
16 to object to the governing board's decision to have the hearing held in
17 executive session. Objections shall be made in writing to the governing
18 board.

19 G. If a parent or guardian or an emancipated pupil who is subject
20 to expulsion disagrees that the hearing should be held in executive
21 session, the hearing shall be held in an open meeting unless:

22 1. If only one pupil is subject to expulsion and disagreement
23 exists between that pupil's parents or guardians, the governing board,
24 after consultations with the pupil's parents or guardians or the
25 emancipated pupil, shall decide in executive session whether the hearing
26 will be in executive session.

27 2. If more than one pupil is subject to expulsion and disagreement
28 exists between the parents or guardians of different pupils, separate
29 hearings shall be held subject to this section.

30 H. This section does not prevent the pupil who is subject to
31 expulsion or suspension, and the pupil's parents or guardians and legal
32 counsel, from attending any executive session pertaining to the proposed
33 disciplinary action, from having access to the minutes and testimony of
34 the executive session or from recording the session at the parent's or
35 guardian's expense.

36 I. In schools employing a superintendent or a principal, the
37 authority to suspend a pupil from school is vested in the superintendent,
38 principal or other school officials granted this power by the governing
39 board of the school district.

40 J. In schools that do not have a superintendent or principal, a
41 teacher may suspend a pupil from school.

42 K. Except as provided in subsection L of this section, a school
43 district or charter school may suspend or expel a pupil who is enrolled in
44 a kindergarten program, first grade, second grade, third grade or fourth
45 grade only if all of the following apply:

46 1. The pupil is seven years of age or older.

1 2. The pupil engaged in conduct on school grounds ~~that meets~~ AND AT
2 LEAST one of the following criteria APPLIES:

3 (a) THE CONDUCT involves the possession of a dangerous weapon
4 without authorization from the school.

5 (b) THE CONDUCT involves the possession, use or sale of a dangerous
6 drug as defined in section 13-3401 or a narcotic drug as defined in
7 section 13-3401 or a violation of section 13-3411.

8 (c) THE CONDUCT immediately endangers the health or safety of
9 others.

10 (d) The pupil's behavior is determined by the school district
11 governing board or charter school governing body to qualify as aggravating
12 circumstances and all of the following apply:

13 (i) The pupil is engaged in persistent behavior that has been
14 documented by the school and that prevents other pupils from learning or
15 prevents the teacher from maintaining control of the classroom
16 environment.

17 (ii) The pupil's ongoing behavior is unresponsive to targeted
18 interventions as documented through an established intervention process
19 that includes consultation with a school counselor, school psychologist or
20 other mental health professional or social worker if available within the
21 school district or charter school or through a state-sponsored program.

22 (iii) The pupil's parent or guardian was notified and consulted
23 about the ongoing behavior.

24 (iv) Before a long-term suspension or expulsion, the school
25 provides the pupil with a disability screening and the screening finds
26 that the behavioral issues were not the result of a disability.

27 3. Failing to remove the pupil from the school building would
28 create a safety threat that cannot otherwise reasonably be addressed or
29 qualifies as aggravating circumstances as specified in paragraph 2 of this
30 subsection.

31 4. Before suspending or expelling the pupil, the school district or
32 charter school considers and, if feasible while maintaining the health and
33 safety of others, in consultation with the pupil's parent or guardian to
34 the extent possible, employs alternative behavioral and disciplinary
35 interventions that are available to the school district or charter school,
36 that are appropriate to the circumstances and that are considerate of
37 health and safety. The school district or charter school shall document
38 the alternative behavioral and disciplinary interventions it considers and
39 employs.

40 5. The school district or charter school, by policy, provides for
41 both:

42 (a) A readmission procedure for pupils who are in kindergarten
43 programs, first grade, second grade, third grade and fourth grade and who
44 have served at least five school days of a suspension from the school that
45 exceeds ten school days to be considered for readmission on appeal of the
46 pupil's parent or guardian.

1 (b) A readmission procedure for pupils who are in kindergarten
2 programs, first grade, second grade, third grade and fourth grade and who
3 are expelled from or subject to alternative reassignment at the school to
4 be considered for readmission on appeal of the pupil's parent or guardian
5 at least twenty school days after the effective date of the expulsion or
6 alternative reassignment.

7 L. Subsection K of this section does not apply if either:

8 1. Expulsion is required pursuant to section 15-841, subsection G.

9 2. The school district or charter school is suspending the pupil
10 for two or fewer days and the aggregate suspensions for the pupil do not
11 exceed ten days within the school year.

12 M. All cases of suspension shall be for good cause and shall be
13 reported within five days to the governing board by the superintendent or
14 the person imposing the suspension.

15 N. Rules pertaining to the discipline, suspension and expulsion of
16 pupils shall not be based on race, color, religion, sex, national origin
17 or ancestry. If the department of education, the auditor general or the
18 attorney general determines that a school district is substantially and
19 deliberately not in compliance with this subsection and if the school
20 district has failed to correct the deficiency within ninety days after
21 receiving notice from the department of education, the superintendent of
22 public instruction may withhold the monies the school district would
23 otherwise be entitled to receive from the date of the determination of
24 noncompliance until the department of education determines that the school
25 district is in compliance with this subsection.

26 O. The principal of each school shall ensure that a copy of all
27 rules pertaining to the discipline, suspension and expulsion of pupils is
28 distributed to the parents of each pupil at the time the pupil is enrolled
29 in the school.

30 P. The principal of each school shall ensure that all rules
31 pertaining to the discipline, suspension and expulsion of pupils are
32 communicated to students at the beginning of each school year, and to
33 transfer students at the time of their enrollment in the school.

34 Q. School districts may refer a pupil who has been subject to
35 discipline, suspension or expulsion pursuant to this section to a career
36 and college readiness program for at-risk students established pursuant to
37 section 15-707.

38 R. ON REQUEST FROM ANOTHER EDUCATIONAL INSTITUTION IN THIS STATE, A
39 SCHOOL DISTRICT OR CHARTER SCHOOL SHALL DISCLOSE, CONSISTENT WITH THE
40 REQUIREMENTS PRESCRIBED BY THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT
41 OF 1974 (P.L. 93-380; 88 STAT. 571; 20 UNITED STATES CODE SECTION 1232g),
42 WHETHER A PUPIL WHO IS APPLYING FOR ADMISSION TO THE OTHER EDUCATIONAL
43 INSTITUTION HAS BEEN EXPELLED FROM THE SCHOOL DISTRICT OR CHARTER SCHOOL.

44 ~~R.~~ S. For the purposes of this section, "aggravating
45 circumstances" means the pupil is engaged in persistent behavior that:

46 1. Has been documented by the school.

1 2. Prevents other students from learning or prevents the teacher
2 from maintaining control of the classroom environment.
3 3. Is unresponsive to targeted interventions as documented through
4 an established intervention process.

5 Enroll and engross to conform
6 Amend title to conform
And, as so amended, it do pass

MATT GRESS
CHAIRMAN

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